

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**MELISA BUTLER and ZACHARY
PIERCE, individually and on behalf of K.P.,
their minor child,**

Plaintiffs,

v.

GLAXOSMITHKLINE LLC,

Defendant.

**Civil Action No.
15-14097-FDS**

ORDER TO SHOW CAUSE

SAYLOR, J.

On May 26, 2016, this Court issued MDL Order No. 11, which required each plaintiff to complete a Plaintiff Fact Sheet. (Docket No. 252 ¶ 14). That Order also required plaintiffs to include signed declarations and duly executed authorizations with their fact sheets. (*Id.*).

Furthermore, the Court ordered that “questions on the fact sheets shall be treated as interrogatories under Rule 33 of the Federal Rules of Civil Procedure, and shall be subject to the rules applicable to such interrogatories” (*Id.* ¶ 17).

It appears that plaintiffs have failed to comply with MDL Order No. 11. On January 22, 2018, plaintiffs submitted a fourth amended Plaintiff Fact Sheet. However, plaintiffs failed to provide a supporting signed declaration. On February 1, 2018, counsel for GSK sent a letter to plaintiffs’ counsel requesting the document. Counsel for GSK agreed to a 10-day extension on February 9, 2018, and a further 30-day extension on March 8, 2018. However, plaintiffs’

counsel were unable to obtain the document and withdrew on July 19, 2018, effective August 16, 2018.

Therefore, GSK's motion to show cause is GRANTED. Plaintiffs are ORDERED to show cause in writing on or before September 12, 2018, why this case should not be dismissed for failure to comply with discovery obligations. If good cause is not shown by that date, this action will be dismissed pursuant to Rule 37(b)(2)(A)(v).

GSK has also requested that plaintiffs pay a sanction of \$500 to cover costs incurred in bringing this motion. In general, an award of attorneys' fees is appropriate under Fed. R. Civ. P. 37(a)(5) when parties have failed to provide required discovery. Because plaintiffs have offered no reason for their failure to timely provide discovery, to the extent plaintiffs submit the required documents, they are ORDERED to pay GSK \$500 in reasonable expenses incurred in bringing this motion.

So Ordered.

Dated: August 22, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge